

**LOCAL TRANSPORTATION CORRIDOR
PRESERVATION FUND AMENDMENTS**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Sheldon L. Killpack

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill modifies the Transportation Finances Act by amending provisions relating to the Local Transportation Corridor Preservation Fund.

Highlighted Provisions:

This bill:

- ▶ clarifies that the Local Transportation Corridor Preservation Fund shall be used to preserve highway corridors;
- ▶ requires the county's council of governments to establish a priority list of highway corridor preservation projects within the county and obtain approval of the list from the county's legislative body;
- ▶ provides that a county's council of governments may only submit one priority list of highway corridor preservation projects within the county per calendar year and the county legislative body may only consider and approve one priority list of highway corridor preservation projects per calendar year;
- ▶ provides that a highway authority may not apply for monies to purchase a right-of-way for a state highway unless the highway authority has:
 - a transportation corridor property acquisition policy or ordinance in effect that meets federal requirements; and
 - an access management policy or ordinance in effect that meets certain requirements; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

72-2-117.5, as last amended by Chapter 1, Laws of Utah 2006, Fourth Special Session*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **72-2-117.5** is amended to read:**72-2-117.5. Local Transportation Corridor Preservation Fund -- Distribution.**

(1) As used in this section:

(a) "Council of governments" means a decision-making body in each county composed of the county governing body and the mayors of each municipality in the county.

(b) "Metropolitan planning organization" has the same meaning as defined in Section 72-1-208.5.

(2) There is created the Local Transportation Corridor Preservation Fund within the Transportation Fund.

(3) The fund shall be funded from the following sources:

(a) a local option transportation corridor preservation fee imposed under Section 41-1a-1222;

(b) appropriations made to the fund by the Legislature;

(c) contributions from other public and private sources for deposit into the fund;

(d) interest earnings on cash balances;

(e) all monies collected from rents and sales of real property acquired with fund monies;

(f) proceeds from general obligation bonds, revenue bonds, or other obligations issued as authorized by Title 63B, Bonds; and

(g) the portion of the sales and use tax described in Subsection 59-12-1703(4)(a)(ii) and

required by Subsection 59-12-1703(7)(b)(i) to be deposited into the fund.

(4) (a) All monies appropriated to the Local Transportation Corridor Preservation Fund are nonlapsing.

(b) The Tax Commission shall provide the department with sufficient data for the department to allocate the revenues:

(i) provided under Subsection (3)(a) to each county imposing a local option transportation corridor preservation fee under Section 41-1a-1222; and

(ii) provided under Subsection 59-12-1703(4)(a)(ii) to each county imposing a county option sales and use tax for transportation.

(c) The monies allocated under Subsection (4)(b):

(i) shall be used for the purposes provided in this section for each county; and

(ii) are allocated to each county as provided in this section:

(A) with the condition that the state will not be charged for any asset purchased with the monies allocated under Subsection (4)(b); and

(B) are considered a local matching contribution for the purposes described under Section 72-2-123 if used on a state highway.

(d) Administrative costs of the department to implement this section shall be paid from the fund.

(5) (a) The department shall authorize the expenditure of fund monies to allow a highway authority to acquire real property or any interests in real property for state, county, and municipal [~~transportation~~] highway corridors subject to:

(i) monies available in the fund to each county under Subsection (4)(b); and

(ii) the provisions of this section.

(b) Fund monies may be used to pay interest on debts incurred in accordance with this section.

(c) (i) (A) Fund monies may be used to pay maintenance costs of properties acquired under this section but limited to a total of 5% of the purchase price of the property.

(B) Any additional maintenance cost shall be paid from funds other than under this

86 section.

87 (C) Revenue generated by any property acquired under this section is excluded from the
88 limitations under this Subsection (5)(c)(i).

89 (ii) Fund monies may be used to pay direct costs of acquisition of properties acquired
90 under this section.

91 (d) Fund monies allocated under Subsection (4)(b) may be used by a county highway
92 authority for countywide transportation planning if:

93 (i) the county is not included in a metropolitan planning organization;

94 (ii) the transportation planning is part of the county's continuing, cooperative, and
95 comprehensive process for transportation planning, corridor preservation, right-of-way
96 acquisition, and project programming;

97 (iii) no more than four years allocation every 20 years to each county is used for
98 transportation planning under this Subsection (5)(d); and

99 (iv) the county otherwise qualifies to use the fund monies as provided under this
100 section.

101 (e) (i) Fund monies allocated under Subsection (4)(b) may be used by a county highway
102 authority for transportation corridor planning that is part of the corridor elements of an ongoing
103 work program of transportation projects.

104 (ii) The transportation corridor planning under Subsection (5)(e)(i) shall be under the
105 direction of:

106 (A) the metropolitan planning organization if the county is within the boundaries of a
107 metropolitan planning organization; or

108 (B) the department if the county is not within the boundaries of a metropolitan planning
109 organization.

110 (6) (a) (i) The Local Transportation Corridor Preservation Fund shall be used to
111 preserve ~~[transportation]~~ highway corridors, promote long-term statewide transportation
112 planning, save on acquisition costs, and promote the best interests of the state in a manner
113 which minimizes impact on prime agricultural land.

(ii) The Local Transportation Corridor Preservation Fund may not be used for a [transportation] highway corridor that is primarily a recreational trail as defined under Section 63-11a-101.

(b) (i) The department shall develop and implement a program to educate highway authorities on the objectives, application process, use, and responsibilities of the Local Transportation Corridor Preservation Fund as provided under this section to promote the most efficient and effective use of fund monies including priority use on designated high priority corridor preservation projects.

(ii) The department shall develop a model transportation corridor property acquisition policy or ordinance that meets federal requirements for the benefit of a highway authority to acquire real property or any interests in real property under this section.

(c) The department shall authorize the expenditure of fund monies after determining that the expenditure is being made in accordance with this section from applications that are:

(i) made by a highway authority; and

(ii) endorsed by the council of governments.

(7) (a) (i) A council of governments ~~may~~ shall establish a council of governments endorsement process which includes prioritization and application procedures for use of the monies allocated to each county under this section.

(ii) The endorsement process under Subsection (7)(a)(i) may include review or endorsement of the preservation project by the:

(A) metropolitan planning organization if the county is within the boundaries of a metropolitan planning organization; or

(B) the department if the county is not within the boundaries of a metropolitan planning organization.

(b) All fund monies shall be prioritized by each highway authority and council of governments based on considerations, including:

(i) areas with rapidly expanding population;

(ii) the willingness of local governments to complete studies and impact statements that

meet department standards;

(iii) the preservation of corridors by the use of local planning and zoning processes;

(iv) the availability of other public and private matching funds for a project;

(v) the cost-effectiveness of the preservation projects;

(vi) long and short-term maintenance costs for property acquired; and

(vii) whether the transportation corridor is included as part of:

(A) the county and municipal master plan; and

(B) (I) the statewide long range plan; or

(II) the regional transportation plan of the area metropolitan planning organization if one exists for the area.

(c) The council of governments shall:

(i) establish a priority list of highway corridor preservation projects within the county;

(ii) submit the list described in Subsection (7)(c)(i) to the county's legislative body for approval; and

(iii) obtain approval of the list described in Subsection (7)(c)(i) from a majority of the members of the county legislative body.

(d) A county's council of governments may only submit one priority list described in Subsection (7)(c)(i) per calendar year.

(e) A county legislative body may only consider and approve one priority list described in Subsection (7)(c)(i) per calendar year.

(8) (a) Unless otherwise provided by written agreement with another highway authority, the highway authority that holds the deed to the property is responsible for maintenance of the property.

(b) The transfer of ownership for property acquired under this section from one highway authority to another shall include a recorded deed for the property and a written agreement between the highway authorities.

(9) (a) The proceeds from any bonds or other obligations secured by revenues of the Local Transportation Corridor Preservation Fund shall be used for the purposes authorized for

170 funds under this section.

171 (b) The highway authority shall pledge the necessary part of the revenues of the Local
172 Transportation Corridor Preservation Fund to the payment of principal and interest on the
173 bonds or other obligations.

174 (10) (a) A highway authority may not apply for monies under this section to purchase a
175 right-of-way for a state highway unless the highway authority has:

176 (i) a transportation corridor property acquisition policy or ordinance in effect that meets
177 federal requirements for the acquisition of real property or any interests in real property under
178 this section; and

179 (ii) an access management policy or ordinance in effect that meets the requirements
180 under Subsection 72-2-117(9).

181 (b) The provisions of Subsection (10)(a)(i) do not apply if the highway authority has a
182 written agreement with the department for the acquisition of real property or any interests in
183 real property under this section.